

COUNTY OF YORK

MEMORANDUM

DATE: April 17, 2000 (BOS Mtg. 05/16/00)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed amendment to York County Code Section 1-14
Assessment upon civil actions to fund law library

In recent months, York County staff has been engaged in implementing, at long last, a law library to be operated as part of the York County public library system. At present, the law library is located at the library facility in Tabb, and it includes both a number of bound and loose-leaf printed legal materials, as well as research programs accessible through a computer. Also available are a number of treatises on various aspects of Virginia law, including Virginia civil procedure, Virginia criminal law, the law of evidence, domestic relations law, and other subjects which are expected to be of interest to York County citizens. The law library also contains a hard bound copy of Michie's Jurisprudence, which is essentially a multi-volume encyclopedia of Virginia and West Virginia law. Available on the computer are two programs purchased through Lexis publishing, Virginia Law on Disc and Federal Law Solution. Virginia Law on Disc includes the full text of the entire Code of Virginia, all opinions of the Virginia Supreme Court beginning in 1945, the opinions of the Virginia Attorney General from 1980 forward, and the text of Michie's Jurisprudence, all searchable using methods which should be familiar to anyone with basic computer literacy. Federal Law Solution includes all opinions of the United States Supreme Court, the entire United States Code and Code of Federal Regulations, and opinions of the Federal Court of Appeals and Federal District Courts in the Fourth Circuit, which covers Virginia, Maryland, West Virginia, and the Carolinas.

Now that the content of the County's law library has been established, the County's Office of Computer Support Services will soon install two additional computer terminals, one in the Yorktown Library and one in the Records Room of the Circuit Courthouse, to allow patrons to access Virginia Law on Disc and Federal Law Solution from those locations. Printed materials will only be available at the Tabb Library.

Presently, the law library is funded by a \$1.00 assessment levied on all civil actions filed either in the County's Circuit Court or General District Court, as authorized by Code of Virginia § 42.1-70. That section authorizes local governments to assess such a charge, not to exceed \$4.00, expressly for the purpose of funding a public law library. Over the last 11 years, the charge has realized annual amounts which vary from a high of approximately \$4,700 in 1991 to a low of \$2,485 in 2000, averaging \$3,200 over that period of time. However, the law library as it is presently established, will cost probably between \$11,000 and \$12,000 annually to maintain. That figure includes annual renewals of software licensing fees and purchases of updates for the printed materials, as well as the cost for occasional repair and replacement of computer hardware. Fortunately, in FY99, Fund 47 had a balance of approximately \$14,500, meaning that there were sufficient funds to make initial purchases of equipment and materials. However, unless the assessment is appropriately raised on civil actions filed in the local courts, the law library's funds will shortly be exhausted. An assessment of \$4.00 for each civil filing would realize approximately \$12,000 per year, which ought to be sufficient to allow the law library to be funded without any contribution from the County's general funds. Of course, if the law library's offerings were ever to be expanded beyond what is currently available, the assessments on civil filings may not prove sufficient.

Based upon the foregoing, I have proposed a modification to County Code § 1-14, to increase the assessment on civil filings to \$4.00, the maximum amount allowed by the Code of Virginia. Ordinance No. 00-5 attached hereto, would suitably amend the ordinance if adopted by this Board. For the reasons set out above, I recommend its adoption.

Barnett/3340:swb

Attachment